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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,601	01/20/2000	Evgeniy M. Getsin	68624/8017	6034
22242 7590 10/04/2007 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			EXAMINER KOENIG, ANDREW Y	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/489,601	Applicant(s) GETSIN ET AL.	
	Examiner Andrew Y. Koenig	Art Unit 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 16, 17, 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 11-15 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/20/07, 7/13/07, 8/29/07 (3 different IDSs were submitted on 8/29/07) .

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see remarks, filed 16 July 2007, with respect to independent claims 1 and 6 have been fully considered and are persuasive. The rejection of claims 1-10, 16, 17, and 19-20 has been withdrawn.

Regarding applicant's arguments directed to claims 11-15 and 18, filed 16 July 2007, the arguments have been fully considered but they are not persuasive.

The applicant is mischaracterizing facts within the record and consequently has arrived at an improper conclusion. Within the final rejection (mailed 13 April 2007), the examiner introduced Blacketter for teaching the added limitation of claim 11. As such, the examiner provided a new ground of rejection, which was necessitated by the applicant's amendment to independent claim 11. In the instant response, the applicant has made no argument to Blacketter.

### ***Allowable Subject Matter***

2. Claims 1-10, 16, 17, and 19-20 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter:

4. Regarding independent claims 1 and 6, prior art of record fails to reasonably show or suggest the steps of "identifying a type of device on each of the client apparatuses" and "generating communications for each client apparatuses comprising... an object specific for each of the client apparatuses upon ascertaining that

the client apparatus has the predefined content stored and that the comparison renders a match," when taking the claim as a whole. Whereas Zintel teaches a UPnP architecture, the architecture enables plural devices to be placed within a device type (e.g. VCR, PC, TV/VCR devices can all be a VCR device-type), but their communication is all related to the device-type (and consequently, not towards the device per se).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **11-15, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,825,876 to Peterson, Jr. (Peterson) in view of U.S. Patent Application Publication 2002/0026321 to Faris et al. (Faris), U.S. Patent 5,808,662 to Kinney et al. (Kinney), U.S. Patent 6,282,713 to Kitsukawa et al. (Kitsukawa), U.S. Patent Application Publication 2002/0056129 to Blackketter et al. (Blackketter).

Regarding **claim 11**, Peterson discloses a method, corresponding computer program and corresponding system for identifying a plurality of events which are played back on a plurality of networked client apparatuses (col. 2, lines 26-41), comprising

- (a) providing a plurality of events stored in memory (medium **10**) on a plurality of client apparatuses (controller **14**; see col. 2, lines 46-54 disclosing system methodology including multiple consumers, comprising multiple events and client apparatuses), an authorization granted message that includes a unique identifier (24) of the secured content which is stored, along with the start time (col. 8, ll. 32-39) the events each having a unique identifier associated therewith and stored in memory (identifier **24**; see col. 5, lines 30-35), wherein the client apparatuses are adapted to be coupled to a host computer (authorization center **16**) via a network (PTSN **18**; see col. 8, lines 13-16);
- (b) ascertaining the identifier of the event stored in memory of the client apparatuses utilizing the network (col. 8, lines 18-27, col. 8, ll. 32-39, disclosing transmission of identifier **24** to server **60** and return of authorization granted message comprising identifier **24** of secured content **28**); further, Peterson teaches ascertaining whether the client apparatuses have the event stored in memory in that Peterson teaches ascertaining the identifier of the event stored in memory, wherein Peterson teaches an event such as content on a DVD or CD-ROM (col. 5, ll. 18-35), therefore, the existence of an event identifier of Peterson teaches a ascertaining whether the client apparatuses have the event stored in memory.

- (c) comparing the authorization grant message (comprising the identifier) with an identifier of a scheduled event (col. 8, lines 23-26; col. 8, lines 41-47 describing the scheduled (premier) event time and date; see col. 8, line 66 - col. 9, line 5 describing comparison of content **28** associated with identifier **24** to authorization list **56**), wherein an identifier of a scheduled event is a time; and
- (d) beginning playback of the event on each of the client apparatuses if the comparison renders a match (col. 9, lines 18-21; see col. 2, lines 54-58, disclosing playback on or after premier event time), further, Peterson teaches ascertaining the identifiers, which refers to content stored, and thus equates to ascertaining that the client apparatus has the predefined content ed stored and that the comparison (as taught in step ( c )) renders a match.

Although Peterson discloses the period for playback beginning simultaneously (e.g., common premier time), Peterson fails to specifically disclose beginning playback of the event simultaneously.

However, Faris, in an analogous art, teaches simultaneously beginning the playback of an event, where an event may comprise stored audio-video content and the execution of programs, on a plurality of client devices in response to trigger data transmitted to the client devices from a server (paragraph 137, describing purpose of GSU unit **175** in conjunction with client device **160** (see Figs. **1** and **2C**) to perform actions in response to precise time conditions; paragraph 138, describing triggers to

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synchronize execution of audio-video content and programming content on client devices, where triggers to execute content on a client device inherently discloses a comparison of an identifier; see paragraph 142, suggesting application to any task where precise triggering of timed events is required) for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the playback of Peterson to incorporate beginning the playback of the event simultaneously, as taught by Faris, for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices in a method for playing back events.

Peterson discloses the period for playback beginning simultaneously (e.g., common premier time), Peterson fails to specifically disclose beginning playback of the event simultaneously.

In analogous art, Kinney teaches transmitting playback events over a communication channel (see figure 1, col. 5, ll. 36-64), thereby resulting in simultaneous playback of the event.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the playback of Peterson by beginning playback of the event simultaneously by forwarding objects specific for each of the client apparatuses as taught by Kinney, for the benefit of providing synchronized presentation



of content for each of the plurality of network connected devices in a method for playing back events.

Peterson is silent on adding additional overlay content with the event, recording historic data associated with the simultaneous playback and additional content, and allowing later playback by supplying just the historic data and additional overlay content to be cooperated with locally stored event content for later playback of the simultaneous event.

In analogous art, Kinney teaches adding additional overlay content with the event (col. 6, ll. 20-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson by adding additional overlay content with the event as taught by Kinney in order to provide additional information to the group of viewers.

However, Peterson and Kinney are silent on recording historic data associated with the simultaneous playback and additional content, and allowing later playback by supplying just the historic data and additional overlay content to be cooperated with locally stored event content for later playback of the simultaneous event.

In analogous art, Kitsukawa teaches displaying advertising marks on the display (col. 8-9, ll. 58-32), wherein the marks equate to adding additional overlay content with the event. Further, Kitsukawa teaches displaying these marks and storing the advertising for a later time with respect to a particular portion of the

event (recording historic data associated with the simultaneous playback and additional content) in order to display the marks at the appropriate portions (col. 6, ll. 54-60, col. 9, ll. 64-67). Further, Kitsukawa teaches allowing the playback by supplying just the historic data and additional overlay content for later playback of the simultaneous event (col. 9, ll. 64-67), wherein the historic data and additional overlay content is to be cooperated with the stored event (col. 8-9, ll. 58-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson and Kinney by recording historic data associated with the simultaneous playback and additional content, and allowing later playback by supplying just the historic data and additional overlay content to be cooperated with locally stored event content for later playback of the simultaneous event as taught by Kitsukawa in order to enable the user to access stored information at a later time, thereby enabling the user to access additional information at the convenience of the user.

Whereas Kitsukawa fails to teaches broadcast programming, Peterson and Kitsukawa fail to explicitly disclose recording historic data during the simultaneous playback of a locally stored event. Blackketter teaches providing historic data (by using triggers) which can be played back from a locally stored event (pg. 6, para. 0065 – such as using an expiring triggers so as to provide relevant information to the user).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson and Kitsukawa by recording historic data during the simultaneous playback of a locally stored event as taught by Blacketter in order to provide current information and supplemental content with the playback of a stored event, thereby providing valid information to the user..

Peterson teaches storing the event beforehand, and ascertaining the identifier of the event stored in memory, wherein Peterson teaches an event such as content on a DVD or CD-ROM (col. 5, ll. 18-35), therefore, the existence of an event identifier and the ability to playback the events of Peterson teaches a ascertaining whether the client apparatuses have the event stored in memory.

**Claim 12** is encompassed by the teachings of Peterson in view of Kinney (as discussed above). Specifically, Peterson discloses the event including a video and audio presentation (col. 2, lines 46-50).

**Claim 13** is encompassed by the teachings of Peterson in view of Kinney (as discussed above). Specifically, Peterson discloses the event including a movie (col. 2, lines 46-50).

**Claim 14** is encompassed by the teachings of Peterson in view of Kinney (as discussed above). Specifically, Peterson discloses a wide area network (PTSN 18, col. 8, lines 12-17).

**Claim 15** is encompassed by the teachings of Peterson in view of Kinney (as discussed above). Specifically, Peterson discloses the memory including a digital video disk (col. 5, lines 24-27).

Regarding **claim 18**, Peterson discloses the period for playback beginning simultaneously (e.g., common premier time), Peterson fails to identify the client apparatuses and specifically disclose beginning playback of the event simultaneously by forwarding objects specific for each of the client apparatuses.

In analogous art, Kinney teaches transmitting playback events over a communication channel (see figure 1, col. 5, ll. 36-64), wherein the communication channel supports TCP/IP (col. 3, ll. 34-36), which inherently requires addresses for devices. As a result, Kinney teaches beginning playback of the event simultaneously by forwarding objects specific for each of the client apparatuses, in that Kinney sends events through an addressable communication channel for devices, wherein each of the devices is identified by an address on the network, which equates to identifying the client apparatuses.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the playback of Peterson by identifying the client apparatuses and beginning playback of the event simultaneously by forwarding objects specific for each of the client apparatuses as taught by Kinney, for the benefit of providing synchronized presentation of content for each of the plurality of network connected devices in a method for playing back events.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Y Koenig  
Primary Examiner  
Art Unit 2623

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